

*The Provincial Statutes of Lower-Canada, Being the fourth session of the eleventh Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1824.

4 George IV – Chapter 1

**An Act for the better regulation of the Fisheries in the Inferior District of Gaspé, and in the Counties of Cornwallis and Northumberland. (9th March, 1824.)**

Whereas the Fisheries, in the Inferior District of Gaspé, and in the Counties of Cornwallis and Northumberland, are of great importance to the Trade of this Province: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America;' and to make further provision for the Government of the said Province;" and it is hereby enacted, by the authority of the same, that all and every His Majesty's Subjects, shall peaceably have, use and enjoy the freedom of taking bait, and of fishing in any River, Creek, Harbour or Road, with liberty, to go on shore on any part within the Inferior District of Gaspé, and in the County of Cornwallis, and in such part of the County of Northumberland as lies to the Eastward of Cape Tourmente [Cap Tourmente], for the purpose of salting, curing and drying their Fish; to cut wood for making and repairing stages, flakes, hurdles, cook-rooms, and other purposes necessary for preparing their Fish for exportation, or that may be useful to their fishing trade, without hindrance, interruption, denial or molestation from any person or persons whomsoever. Provided such River, Creek, Harbour or Road, or the land upon which such wood may be cut, doth not lie within the bounds of any private property, by grant from His Majesty, or other title proceeding from such grant by His Majesty, or by grant made prior to the year one thousand seven hundred and sixty, or held under and by virtue of any Location Certificate, or Title derived from any such Location Certificate, or in virtue of any title derived under any Act of the Legislature of this Province.

II. And be it further enacted by the authority aforesaid, that the Master or Commander of any Vessel fitted out from the United Kingdom of Great-Britain and Ireland, or the Dominions thereunto belonging, as well as all other Subjects of His Majesty, may take possession of so much of the unoccupied beach, within the aforesaid Inferior District of Gaspé, and in the County of Cornwallis, and in such parts of the County of Northumberland as lies to the Eastward of Cape Tourmente, as may be necessary for curing his Fish, and preparing it for exportation; and to retain and enjoy the same, so long as he shall not leave it unoccupied for the space of twelve calendar months; in which case it shall be lawful for any other person or persons to take possession thereof, in part or the whole, for the same purposes, and on the same condition. Provided that such beach be not private property, by grant from His Majesty, or other title proceeding therefrom, or by grant prior to the year one thousand seven hundred and sixty, or held under and by virtue of any Location Certificate or Title derived therefrom, or in virtue of any Title derived under any Act of the Legislature of this Province. Provided also, that such new occupier shall, when thereunto required by the preceding possessor or his lawful Attorney, the

demand being made within one year after possession taken, pay him, a dire d'Experts, for such parts of the flakes and stages as such new occupier shall have taken possession of. And provided further, that the said preceding possessor, not having been paid as aforesaid, may remove any building, or other improvement, erected or made by him on the unoccupied beach as aforesaid, so that such removal be not made during and before the close of the fishing season, in which the new occupier shall have taken possession.

III. And be it further enacted by the authority aforesaid, that no ballast, or any thing else injurious or hurtful to any of the Rivers, Harbours or Roads within the said District of Gaspé, or in the said County of Cornwallis, or in such part of the County of Northumberland as lies to the Eastward of Cape Tourmente, shall be thrown out of any vessel, or discharged into any Stream, Bason or Road in the said Inferior District, or Counties aforesaid, but that the same shall be carried on shore, and deposited where no public or private injury may be sustained thereby. Nor shall any person or persons throw any fish-guts, offals or gurry overboard, within the distance of six leagues from the shore and Islands of the Inferior District of Gaspé, and Counties of Cornwallis and Northumberland aforesaid, nor on any fishing bank, under the penalty of twenty pounds, current money of this Province.

IV. And be it further enacted by the authority aforesaid, that no person or persons shall cast anchor near the shore, or do any thing within the aforesaid limits, so as wilfully to annoy or obstruct the hauling of Seines, or to obstruct or prevent the setting of Nets, nor shall any Nets be wilfully set or placed, so as to prevent or obstruct the hauling of Seines, under the penalty of five pounds, current money of this Province, for every such offence, exclusive of such damages as may be recovered at Law, by the Proprietor or Proprietors of the Seines or Nets which may be thereby injured or destroyed. Provided always, that no such Nets or Seines as aforesaid shall be set or used so as to incommode or obstruct the navigation or anchorage in any Harbour, Roadstead, Cove or place necessary for the common purposes of Navigation.

V. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall not be lawful for any person or persons to catch or kill any Salmon in the said Inferior District, or in either of the aforesaid Counties of Cornwallis or Northumberland, within the limits aforesaid by any means or in any manner whatsoever, from and after the first day of August in every year, to the first day of December, inclusive, nor to buy or receive from the Indians in the said Inferior District, any Salmon, under the pretence of salting it for them, or under any other pretence, after the said first day of August in every year, nor to buy any such fish caught or taken after the said first day of August, from any other person or persons whomsoever in the said Inferior District, or in either of the said Counties, under the penalty of five pounds, current money of this Province, for every offence in disobedience to the true intent and meaning of this Act, and one Month's imprisonment in case of a repetition of the offence. Provided always, that nothing in this Act contained, shall extend or be construed to extend to prevent the Indians from catching Salmon for their own or their families use, by means of day spears, and in the day time only, the use of flambeaux or any and every other mode of fishing or killing Salmon, whether by day or night being hereby strictly prohibited after' the aforesaid period, under the penalty, as relates to Indians, of the forfeiture of the fishing tackle and furniture found in possession of the offender, and of one months' imprisonment in case of a repetition of the like offence.

VI. And whereas it is necessary to prevent the pernicious custom of destroying and using Caplin for the purposes of manure, a custom injurious to the Fisheries of the said Inferior District; Be it therefore further enacted by the authority aforesaid, that any person or persons who shall, in the said Inferior District of Gaspé, or in either of the aforesaid Counties of Cornwallis or Northumberland, to the Eastward of Cape Tourmente, make use of any Caplin, or of Herring spawn or Caplin spawn, for the purposes of manure, or who shall take or destroy any Caplin, or Herring spawn or Caplin spawn, for the purposes aforesaid, or for any other purpose than that of using the same as bait, or curing the same, or for the consumption of themselves, their families, neighbours or dependants, or to be sent fresh to market, shall incur a penalty of two pounds for every such offence, and stand committed until such penalty be paid, and for a second and every subsequent offence, a penalty of four pounds.

VII. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall not be lawful for any person or persons to trade with the Indians at any place on the River Ristigouche [Restigouche], and on the River Cascapedia, nor to purchase or receive from them, under any pretence whatever, any Salmon or other fish, above the first rapid, on the said River Ristigouche, under the penalty of one pound for the first offence, and for every subsequent offence a penalty of two pounds. Provided always, that the provisions in this clause contained, as far as relates to the River Ristigouche, shall not have force or effect unless a corresponding provision shall in like manner be made in the Province of New-Brunswick, with respect to the said River Ristigouche, nor until the same shall have been published by a Proclamation in this Province by the Governor, Lieutenant-Governor, or Person administering the government thereof for the time being.

VIII. And be it further enacted by the authority aforesaid, that the use of Weirs or Nishagans, as practised by the Indians in the said River Ristigouche, and in other Rivers in the said Inferior District, and in the bounties of Cornwallis and Northumberland, within the aforesaid limits, to the manifest prejudice and destruction of the Salmon fisheries, shall be, and the same is hereby strictly prohibited, under the penalty of the seizure, and confiscation of the fishing tackle and furniture found in possession of the Indian or Indians, or other person or persons, killing Salmon by means of Weirs or Nishagans as aforesaid; and of one month's imprisonment in the Common Gaol, in case of repetition of the offence.

IX. And whereas it is necessary for the preservation and improvement of the Salmon fisheries, that Salmon be not prevented from passing freely and, without obstruction up the different rivers in the said Inferior District of Gaspé, and in the aforesaid Counties of Cornwallis and Northumberland, within the limits aforesaid, to their spawning recesses. Be it therefore further enacted, by the authority aforesaid that from and after the passing of this Act, the chanel or main water courses of the several rivers, within the said Inferior District of Gaspé, and in the aforesaid Counties, shall at all times be left open and free of every obstruction whatever; and where no channel can be ascertained or described, then one third of the breadth of the river, comprising, the deepest water thereof or main water course, shall be so left open and free, under the penalty of ten pounds, current money of this Province, payable by the person or persons who shall cause such obstruction; and the main channel of the river Ristigouche from the Indian New-Mission Point up to and at the Pointe a Bourdon, shall at all times be left open and clear of every kind of obstruction, calculating from the deepest water in the said channel, the full distance of twenty-five fathoms on each side, forming on the whole a main and clear channel or

passage of fifty fathoms in width: and all the smaller channels in the said river Ristigouche to the south of the said main channel, within the aforesaid space or limits, shall, in like manner be left open and clear of every kind of obstruction, whether by bar-nets, swing-nets, or otherwise, counting twenty fathoms from the deepest water on either side, making in the whole a clear passage of forty fathoms, under a penalty of ten pounds, current money aforesaid, payable by each and every person or persons who shall lay down such bar or swing-net or nets, or make or cause any other obstruction as aforesaid, to be made in any of the said channels in the aforesaid river Ristigouche.

X. And be it further enacted by the authority aforesaid, that all stands or sets of Salmon nets hereafter to be placed in the river Ristigouche, within the limits herein-after mentioned, or in any other river in the aforesaid Inferior District of Gaspé, or in any river in either of the said Counties of Cornwallis or Northumberland, to the eastward of Cape Tourmente, shall be placed and fixed apart at the distance of eighty rods at least, the rod of sixteen feet and a half each, english measure, that is to say in such part of the said river Ristigouche as lies between a point or place at the distance of twenty-five fathoms below the west end of the first Island above the Pointe a Bourbon, commonly called and known by the name of the First North Island, and the New-Mission Point; nor shall any net or nets that may hereafter be placed in the said river Ristigouche, between Pointe a Bourdon and the lower end of the said First North Island and the Islands opposite thereto, extend across the said river more than one-third the distance that may be between high-water-mark and the bar running in the middle of the said river, commonly considered as a part of the division line between the Province of Lower-Canada and New-Brunswick, leaving the North main course of water open at least fifty fathoms as aforesaid, from Pointe a Bourdon to and at the said First North Island; and also the main course of water from the south channel opposite Pointe a Bourdon, open to and between the two First North Islands in like manner, at least fifty fathoms, and the north channel from above the said First North Island upwards to the first rapids, shall be left open and free of nets, or any other obstruction, one fourth the breadth of the river; and all passages between Islands above the said First North Island, shall be left open in the same proportion as herein last mentioned of one-fourth of the breadth of the passage; nor shall any stand or set or sets of bar-nets, placed or fixed between Point Maguasha [Point Miguasha], at the mouth of the said river Ristigouche, and Battery Point exceed two hundred fathoms, nor shall any stand or set or sets of bar-nets placed or fixed between Battery Point and the First North Island above mentioned inclusively, exceed one hundred and fifty fathoms in length, nor shall the same be placed nearer to each other than eighty rods; nor shall any swing-nets appended to or connected with a bar-net in any part of the said river Ristigouche, below the said first North Island, extend below the bar-net, to which the same may be appended or connected, beyond the distance of twenty fathoms in a straight line; nor shall any swings, exceeding eight fathoms in length be placed or fixed at the outer ends of any bar-nets placed at or above the said first North Island, nor shall any swing-nets be placed in any manner above such bar-nets to which the same may be appended or connected on any pretence whatever, under a forfeiture and penalty of Ten pounds, current money of this Province, for every offence in contravention to any of the provisions or enactments of this Clause.

XI. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall not at any time be lawful for any person or persons to set any net or nets, or haul any seine or seines, above the shoalest water at the head of the first rapid in the River Ristigouche, or above the shoalest water in the first rapid in the great River Cascadia, within the said Inferior District of Gaspé,

other than such persons as may, in virtue of a proper authority from His Majesty's Government, be located, and actually settled and domiciliated, bona fide, on lands situated above the shoalest waters on the rivers aforesaid, who it is hereby provided may, agreeably to the regulations and provisions of this Act, place their nets opposite their respective lots only, and not elsewhere, leaving the channels or main course of water at all times free, at least one-third of the whole breadth of the river, as by this Act provided; nor shall any person or persons assist the Indians, directly or indirectly, to set any net or nets, or haul any seine or seines; nor shall any person, whether an inhabitant settled and domiciliated as aforesaid, or otherwise, haul or use any seine or seines above the said rapids, under the penalty, in either of the aforesaid cases, of twenty shillings, current money of this Province, for every offence, in disobedience to the true intent and meaning of this Clause.

XII. And whereas it is ascertained, that practices highly prejudicial to the salmon fisheries in the said Inferior District of Gaspé, have been, and are frequently resorted to, such as placing or fastening sunken floats, shingles or billets of wood or branches of trees in the main channels of Rivers, so as to turn the salmon from their ordinary course, up the several channels of the aforesaid rivers, and by that means drive them from thence into the nets, thus defeating the purpose of affording a regular passage for the salmon to their spawning recesses;—Be it therefore further enacted by the authority aforesaid, that any person or persons placing or causing to be placed any description of sunken floats, shingles or billets of wood or branches of trees, fastened or moored to the bottom, with lines or otherwise, in any of the Channels of the aforesaid Rivers in the aforesaid Inferior District of Gaspé, herein-before directed, to be left open and undisturbed, shall, upon being thereof convicted, incur a forfeiture and penalty for the first offence of five pounds, current money of this Province; and for every subsequent offence, a further forfeiture and penalty of ten pounds, current money aforesaid, and be committed to the Common Gaol of the Inferior District of Gaspé, for and during the term of one Calendar month.

XIII. And be it further enacted by the authority aforesaid, that it shall be the duty of each and every Justice of the Peace, Officer of Militia or Peace Officer in and for the said Inferior District of Gaspé, and in either of the aforesaid Counties of Cornwallis or Northumberland, within the limits aforesaid, on view or on complaint or information to him given or made by any person whomsoever, forthwith to remove any net, seine or other obstruction that shall be found in any of the aforesaid Rivers, contrary to this Act, and any person who shall neglect, delay or refuse to be aiding and assisting when thereunto required, any Justice of the Peace, Officer of Militia or Peace Officer, in the execution of the duty by this Act imposed, shall incur and pay a forfeiture and penalty of twenty shillings for every such offence, and in default of payment of the said penalty, be committed to prison, for the term of fifteen days.

XIV. And be it further enacted by the authority aforesaid, that the Justice of the Peace, Officer of Militia or Peace Officer, who shall have removed such net, seine or other obstruction, shall have power and authority to keep and retain the same in his custody or possession, (using all due precautions necessary for the preservation thereof,) until payment or tender of the penalty incurred, with all lawful charges and expenses, shall have been made.

XV. And be it further enacted by the authority aforesaid, that if the owner of any such net, seine or other obstruction be not known or cannot be found, the Justice of the Peace, Officer of Militia or Peace Officer, having removed the same, shall by an advertisement posted up in the most public place

nearest to that where such removal shall have been made, require the owner or owners of the net, seine or other obstruction so as aforesaid removed, to appear within ten days, next after the day of publication, and pay the penalty and charges incurred, and that in default thereof, such net, seine or other obstruction as aforesaid, removed, will be thereafter sold in satisfaction of the penalty and charges incurred.

XVI. And be it further enacted by the authority aforesaid, that in case no person appear to claim such net, seine or other obstruction within ten days after such Public Notice, the said net, seine or other obstruction shall be sold at Public Auction, by any Justice of the Peace, Officer of Militia or Peace Officer, (public notice of the time and place of sale being as aforesaid given by at least ten days next before the day of sale) to satisfy the penalty incurred, and the costs and charges of removal and notification as aforesaid, and the surplus, if any there be, shall be deposited in the hands of the Clerk of the Peace, for the said Inferior District of Gaspé, or for the District of Quebec, as the case may be, to be returned to the owner of such seine or net, provided he appear to claim the same within one year after such sale; and should he not so appear and claim such surplus, the same shall go to His Majesty, for the use of the Province.

XVII. Provided always, and be it further enacted by the authority aforesaid, that no other or greater sum shall be exacted or received, under any pretext whatever, from the owner of any such net, seine or other obstruction removed as aforesaid, than the penalty incurred in virtue of this Act, and the expenses really and bonâ fide incurred in the removal, (the time and trouble of such Justice of the Peace, Officer of Militia or Peace Officer, not included, no compensation therefor being by this Act allowed,) and the Justice of the Peace, Officer of Militia or Peace Officer, having removed, as aforesaid, such net, seine or other obstruction as aforesaid, shall, upon payment or tender of the penalty and expenses incurred as aforesaid, by or on the part or behalf of the owner, be bound forthwith to restore such net, seine, or other obstruction, to the owner thereof, or person for him acting, under the penal sum of twenty shillings, current money of this Province, from him recoverable as damages by the owner in the Provincial Court for the said Inferior District, or in the Court of General Session of the Peace for the said Inferior District, or (with respect to either of the aforesaid Counties of Cornwallis or Northumberland,) in any Court of competent jurisdiction in the District of Quebec, for each and every day that such net, seine or other obstruction shall thereafter have been wrongfully detained.

XVIII. And be it further enacted, by authority aforesaid, that it shall be lawful for the several Grand Juries for the said Inferior District of Gaspé, at their General Sessions of the Peace, upon the recommendation and with the concurrence of the Justices of the Peace attending the Session, or a majority of them, to make for the temporary and local regulation of the Fisheries in the said Inferior District, such further rules and regulations as to them shall appear most expedient, for the general welfare and advantage of the said Fisheries, not being contrary to the intent and meaning of this Act.

XIX. Provided always and be it further enacted by the authority aforesaid, that no rule or regulation that may be so as aforesaid made, shall have force or effect until the same shall have been approved and homologated by the Judge of the Inferior District of Gaspé, and thereafter duly notified by an advertisement publicly posted up by the Clerk of the Peace in and for the said Inferior District; whose duty it shall be to attend to the same, and see or cause such advertisement to be duly posted up as

hereby directed and enacted, with the least possible delay, at the Church door of each and every Church, Chapel, or other place of Divine Service, in the said Inferior District of Gaspé, or at the most public places of each and every settlement in the said Inferior District, where the Fisheries are carried on, in case there should be no such Church, Chapel, or other place of Divine Service as aforesaid. And provided also, that no fine to be imposed by such rules or regulations, shall, in any case, exceed the sum of twenty shillings, currency; and that no rule or regulation that may at any time be made, under and in virtue of this Act, shall have force or effect after the expiration of this Act. And a copy of the rules and regulations that may as aforesaid be made and confirmed, under and in virtue of this Act, shall, at the ensuing Session of the Legislature, be laid before the three branches of the same, by the Clerk of the Provincial Court of the said Inferior District, within one month after the opening of the Session.

XX. And be it further enacted by the authority aforesaid, that from and after midnight of each and every Saturday until midnight of the Sunday following, during the season of the Salmon Fishery in the said River Ristigouche, and in the other Rivers in the said Inferior District of Gaspé, and in the said Counties of Cornwallis and Northumberland to the east of Cape Tourmente, a certain part or portion of each bar-net shall be raised and remain during the space of time aforesaid, so as to leave an additional channel or free and unobstructed passage in the deepest part of the water where such net is placed, of at least forty feet, to Salmon passing upward to their spawning recesses.

XXI. And be it further enacted by the authority aforesaid, that all the Rivers or branches falling into the aforesaid River Ristigouche, within this Province, as well as such part of the aforesaid River Ristigouche as is within this Province to its source, shall be considered with respect to this Act, and to the provisions of the same, as if they were within the aforesaid Inferior District of Gaspé.

XXII. And whereas the Fisheries in the aforesaid River Ristigouche, which flows between a part of the Province of New Brunswick and Lower Canada, are a source of considerable trade, and essentially contribute to the subsistence and prosperity of the Inhabitants, but from the want of uniform and corresponding rules and regulations on both sides of the said River, divers prejudicial and ruinous practices have, of late years, been resorted to, insomuch that the Fisheries in the said River have seriously diminished, to the great injury of His Majesty's Subjects settled upon the said River, and to the trade in general. And whereas it may be expedient for the common welfare and benefit of the Inhabitants aforesaid, and for the better preservation of the Fisheries on the said River Ristigouche, that in concurrence with the Legislature of New Brunswick, or in concurrence with authority derived from the same, further rules and regulations for the Fisheries on the said River be made and provided, common to all His Majesty's Subjects carrying on or concerned in the Fisheries on the said River; whether the same be transient Traders or domiciliated Inhabitants, residing on the New-Brunswick or Canada side of the said River Ristigouche:—Be it therefore further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, at any time during the continuance of this Act, by an Instrument under the Great Seal of the Province, to constitute or appoint three or more fit and proper persons, resident in the said Inferior District, two of whom shall constitute a quorum for the transaction of business, pursuant to this Act, with full power and authority to meet at such place on the said River Ristigouche or place adjacent thereto, such person, or persons as may in like manner, for the purposes herein specified, be duly appointed on the part of the Province of New-Brunswick, and conjointly with

him or them to consult, prepare, digest, determine and finally agree upon such rules and regulations respecting the Fisheries in the said River Ristigouche, not being repugnant to the provisions of this Act, or to any regulations which may be made as aforesaid by the Grand Juries of the said Inferior District of Gaspé, or to the Laws of this Province, as they may deem advisable and necessary to be provided and put in force, for the better preservation and improvement of the same; and such rules and regulations as shall have been so prepared, digested, determined and finally agreed upon, being by the several Commissioners who shall have been as aforesaid appointed, duly signed and executed double, shall be forthwith transmitted to the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being, for his revision, confirmation or disallowance and such and so many of the rules and regulations so as aforesaid determined and finally agreed upon, as may be approved and confirmed by His Excellency, by a Proclamation issued to that effect, shall thereafter be in force, and shall have the effect of Law, and be binding and obligatory as such upon all His Majesty's Subjects in this Province, carrying on or concerned in the Fisheries in the said River Ristigouche, or trading thereat, and upon all others whom the same may in any wise concern, for any period that shall have been fixed and agreed upon as aforesaid, not exceeding the duration of this Act and such rules and regulations so as aforesaid determined and finally agreed upon, as shall be disallowed and rejected by the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being, shall be wholly and entirely null and of none effect.

XXIII. Provided also, and be it further enacted by the authority aforesaid, that no fine, penalty, or forfeiture that may be imposed for any offence against any rule or regulation that may be so as aforesaid determined and agreed upon by the Commissioners aforesaid, shall in any case exceed five pounds current money of this Province; nor shall any term of imprisonment, exceeding one month be imposed or inflicted for any such offence.

XXIV. Provided also, and be it further enacted by the authority aforesaid, that no rule or regulation that may so as aforesaid be determined and agreed upon in virtue of this Act, shall have force or effect in this Province, unless the same have in like manner a corresponding force and effect in the Province of New-Brunswick, with respect to the fisheries in the aforesaid River Ristigouche.

XXV. And be it further enacted by the authority aforesaid,, that from and after the first day of September, one thousand eight hundred and twenty-four: no pickled or salted Salmon, Mackerel or Herring of any kind, in tierces, half-tierces, barrels or half-barrels, shall be exported from the said Inferior District, nor from either of the said Counties of Cornwallis or Northumberland to the east of Cape Tourmente, nor shipped for exportation therefrom, unless the name of the shipper, with the year of shipment, of the person owning, or of the person having salted, cured or packed the same in such tierces, half-tierces, or barrels, half-barrels, be branded in large and legible letters and figures on the heads or buts of the several tierces, half-tierces, barrels or half-barrels, that may be so as aforesaid shipped for exportation; and when such Salmon, Mackerel, or Herring, in tierces, half-tierces, barrels or half-barrels, shall be shipped from that part of the said Inferior District, lying in the Baie des Chaleurs, the words Baie des Chaleurs shall also be branded upon the same, respectively, in large and legible letters, immediately under the name of the shipper or owner, or person having salted, cured and packed the fish aforesaid. And when shipments of such Salmon, Mackerel or Herring, as aforesaid, shall be made for exportation as aforesaid, from any part of the said Inferior District, Eastward of Point



Mackerel, at the entrance of the aforesaid Baie des Chaleurs, the word Gaspé shall, instead of the words Bay Chaleurs, in like manner be branded on the heads or buts of the several tierces, half-tierces, barrels or half-barrels, that may be shipped, under the penalty of seizure and forfeiture of each and every tierce, half-tierce, barrel or half-barrel, of pickled or salted Salmon, Mackerel or Herring, that shall be shipped in disobedience to this Act, for exportation, from the said Inferior District of Gaspé.

XXVI. And be it further enacted by the authority aforesaid, that from and after the first day of September one thousand eight hundred and twenty-four, no pickled Mackerel, or Pickled or Smoked Herring, shall be shipped for exportation, nor exported from the said Inferior District, nor from either of the said Counties of Cornwallis and Northumberland, to the East of Cape Tourmente, under penalty of seizure and forfeiture thereof, but in barrels containing twenty-eight gallons, each, or in half-barrels, containing fourteen gallons each, wine measure.

XXVII. And be it further enacted by the authority aforesaid, that from and after the first day of September one thousand eight hundred and twenty-four, no pickled Salmon shall be shipped for exportation, nor exported from the said Inferior District, nor from either of the said Counties of Cornwallis and Northumberland to the east of Cape Tourmente, under penalty of seizure and forfeiture thereof, but in tierces or half-tierces, barrels or half-barrels, containing the quantities hereafter specified, exclusive of salt and pickle, that is to say: a tierce shall contain three hundred pounds; a half-tierce, one hundred and fifty pounds; a barrel, two hundred pounds, and a half-barrel, one hundred pounds, avoir du pois weight.

XXVIII. And be it further enacted by the authority aforesaid, that all and every person or persons being about to lade or put on board of any ship or vessel pickled or salted Salmon, Mackerel [mackerel] or Herring, in tierces, half-tierces, barrels, or half-barrels, for exportation from the said Inferior District, shall, before commencing to lade or put the same on board of such vessel, obtain from the Collector or other proper officer of His Majesty's Customs in the said Inferior District, a sufferance or permit for that purpose; and it shall be the duty of such Collector or other officer of the Customs, to read this and the other clauses of this Act relating to the size and contents of such tierces, half-tierces, barrels, or half-barrels, and the weight of fish therein, to such person or persons applying for such sufferance or permit; and such person or persons shall, before obtaining the same, make oath before such Collector or other officer of the Customs, (which oath such officer is hereby authorised and required to administer before granting such sufferance or permission,) that the tierces, half-tierces, barrels, or half-barrels, containing pickled or salted Salmon, Mackerel, or Herring, as aforesaid, which he is about to lade or put on board of such ship or vessel, are severally branded according to the true intent and meaning of this Act, and that to the best of his knowledge and belief, the same respectively contain the weight of Fish, exclusive of Pickle and Salt as by this Act is required; and the said Collector or other officer shall grant a Certificate thereof, signed with his hand, at the time of clearing outwards, such ship or vessel, to the Master or other person having charge or command of the same.

XXIX. And be it further enacted by the authority aforesaid, that any person who shall, knowingly and wilfully, falsely swear, as above-mentioned, shall, on being thereof lawfully convicted, incur and suffer the pains and penalties of wilful and corrupt perjury.

XXX. And be it further enacted by the authority aforesaid, that the fines, penalties and forfeitures by this Act imposed, and that may be incurred in the said Inferior District of Gaspé, exceeding in amount the sum of ten pounds, current money aforesaid, shall be recoverable by suit, in a summary manner, before the Provincial Court in and for the said Inferior District, or before the Court of General Sessions of the Peace, in and for the said Inferior District.

XXXI. And be it further enacted by the authority aforesaid, that the fines, penalties and forfeitures, by this Act imposed, that may be incurred in either of the said Counties of Cornwallis or Northumberland, exceeding in amount ten pounds currency, shall be recoverable in the Court of General Sessions of the Peace for the District of Quebec, or in any other competent Court therein.

XXXII. And be it further enacted by the authority aforesaid, that such fines, penalties and forfeitures imposed by this Act, or that may hereafter be imposed in virtue of and under the authority of the same, and that may be incurred in the said Inferior District of Gaspé, or in either of the said Counties of Cornwallis and Northumberland, to the East of Cape Tourmente, not exceeding ten pounds, current money aforesaid, may be recoverable by suit in a summary manner, before a Justice of the Peace of the said Inferior District, or of the District of Quebec, as the case may happen.

XXXIII. And be it further enacted by the authority aforesaid, that the testimony on oath of one credible witness, other than the Prosecutor or Informer, shall be sufficient to convict any person offending against this Act; and the Subpoenas which it shall be necessary to issue to compel the attendance of witnesses before any Justice of the Peace, may be in the form prescribed in the Appendix to this Act, letter (A.)

XXXIV. And be it further enacted by the authority aforesaid, that the fines, penalties and forfeitures by this Act imposed, or that may hereafter be imposed, in virtue of and under the authority of the same, and that may be incurred in the said Inferior District of Gaspé, or in either of the said Counties of Cornwallis and Northumberland, to the East of Cape Tourmente, shall, in cases of nonpayment, be levied by distress and sale of the goods and chattels of the offender, in virtue of a Warrant, in the form prescribed in the Appendix to this Act, letter (B.) under the hand of the Provincial Judge for the said Inferior District, or Senior Justice of the Court of General Sessions of the Peace, or Justice of the Peace, as the case may be, before whom or which the conviction may have taken place, directed to any Constable or Peace-Officer; and the overplus of money raised, after deducting the penalty and costs, shall be returned to the offender.

XXXV. And be it further enacted by the authority aforesaid, that in case the offender convicted shall not have sufficient goods or effects whereon to levy the penalty and costs, he shall, if the penalty in which he may have been condemned exceed ten pounds, be liable to be, and may be committed to Prison, for a term not exceeding thirty days; and in cases where the penalty shall not exceed that sum, for a term not exceeding fifteen days.

XXXVI. And be it further enacted by the authority aforesaid, that the Information or Complaint, and the Summons pursuant to the same, which may at any time be made to and issued by any Justice of the Peace, against any person offending against this Act, in the said Inferior District of Gaspé, County of

Cornwallis or Northumberland, to the East of Cape Tourmente, shall be in the form prescribed in the Appendix to this Act, letters (C & D); and when the offence committed may be above the jurisdiction of a Justice of the Peace as by this Act provided, and cognizable in the aforesaid Provincial Court, or Court of General Sessions of the Peace, such Summons shall be according to the course and practice of the said Courts, respectively.

XXXVII. And be it further enacted by the authority aforesaid, that between the service and return of every such Summons as aforesaid, there shall at least be three intermediate days, and one additional day for every five leagues there may be between the place of residence of the Justice of the Peace, or place where the Court may be held, and the usual residence or domicile of the Defendant.

XXXVIII. Provided always, and be it further enacted by the authority aforesaid, that in cases where the offender may not be resident in the said Inferior District, or of either of the said Counties wherein the offence may be committed, and circumstances may render it expedient to enforce, without delay, the penalties by this Act imposed, it shall be lawful for any Justice of the Peace before whom the plaint or information may have been lodged, to issue a Summons, returnable before him immediately after service thereof, or within such reasonable time as he shall by the said Summons appoint; and if, on the return of such summons, or at the time thereby appointed, the Defendant shall not appear to answer thereto, the Justice of the Peace who may have issued such Summons, or receiving satisfactory proof of the service thereof upon the Defendant, shall proceed in a summary manner to receive evidence of and concerning the offence alleged against the Defendant, and if such evidence be sufficient to warrant a conviction, such Justice of the Peace shall forthwith, after entry of the conviction in a register to be by him kept for the purpose, be authorised and empowered to enforce the same according to the provisions of this Act.

XXXIX. Provided always, and be it further enacted by the authority aforesaid, that in cases circumstanced as last above-mentioned, exceeding the jurisdiction of a Justice of the Peace, the Provincial Judge, if in the said District, or any two Justices of the Peace, if in either of the said Counties of Cornwallis and Northumberland, to the East of Cape Tourmente, shall be authorised, and are hereby required and empowered to proceed, as last above-mentioned and directed, to take cognizance of, hear, try and determine, in a summary manner, such offences against this Act as are by the same made cognizable by him or them, and upon conviction as aforesaid, the penalties by this Act imposed, to enforce and levy according to the provisions thereof.

XL. And be it further enacted by the authority aforesaid, that every conviction before any Justice of the Peace that may take place in the said Inferior District of Gaspé, and in either of the said Counties of Cornwallis and Northumberland, to the East of Cape Tourmente, under and in virtue of this Act, shall be drawn up in the form prescribed in the Appendix to this Act, letter (E.)

XLI. And be it further enacted by the authority aforesaid, that for each and every Summons, including the information or plaint that may at any time issue in virtue of this Act, from any Justice of the Peace, no greater sum than one shilling, current money aforesaid, shall be demanded, charged or paid, and for each and every Subpoena that may issue to compel the attendance of any necessary witness, no greater sum than nine pence, current money aforesaid, including the copy that may be served upon

such witness, shall be demanded, charged or paid; and for each and every conviction, including the entry of the same on the register as aforesaid, no greater sum than one shilling, current money aforesaid, shall be demanded, charged or paid; and for a Warrant of distress no greater sum than nine pence, current money aforesaid, shall be demanded, charged or paid, nor shall any Justice of the Peace, claim, exact or receive, under any cause or pretext whatever, any greater recompense or fee, with respect to any such Summons, Subpoea, or copy of Subpoena, Conviction and entry thereof as aforesaid, or Warrant of distress, or for any service or extra service in relation with the same, than is hereby above allowed and specially authorized.

XLII. And be it further enacted by the authority aforesaid, that for the services of any Constable or Peace Officer, in and about any prosecution under or in virtue of this Act, no greater recompense or remuneration shall be allowed than is herein specified, that is to say, for the service and certificate thereof, of every Summons, nine pence, current money aforesaid, for the service and certificate thereof, of every copy of a Subpoena, nine pence, current money aforesaid, for levying any penalty not exceeding ten pounds pursuant to a Warrant of distress, seven shillings and six pence, current money aforesaid, and for any penalty exceeding ten pounds, a sum to be specified in the Warrant, proportionate to the labour, time and trouble of such Constable or Peace Officer, as the Court of the, general Session of the Peace, or Provincial Judge may deem a suitable recompense, not exceeding in the whole two pounds, and these allowances shall be exclusive of mileage, at the rate of one shilling for each and every league which such Constable or Peace Officer must, in the due execution of such Warrant of distress, or of any other duty by him to be performed under this Act, necessarily and unavoidably travel from his home or domicile, (distances in returning from the place of service, seizure or sale, not counted,) and which mileage shall be in lieu of all travelling expenses.

XLIII. And be it further enacted by the authority aforesaid, that one moiety of all such fines and forfeitures as are imposed or that may be incurred and paid by reason of any thing done in disobedience to this Act, shall belong to the Informer or Prosecutor, and the other moiety shall be paid into the hands of the Receiver General of this Province, for the public uses of the Province, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall direct.

XLIV. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit shall be commenced within three calendar months next after the offence shall have been committed, and not afterwards; and the Defendant or Defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of this Act; and if it shall appear to have been so done, then the Court shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his or their action after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover treble costs, and have the like remedy for the same as Defendants have in other cases by Law.

XLV. And be it further enacted by the authority aforesaid, that all fines, penalties and forfeitures, incurred by reason of any thing done against this Act, shall be sued for within six months next after the commission of the offence, and not afterwards.

XLVI. And be it further enacted by the authority aforesaid, that nothing in, this Act contained shall in any manner prejudice the rights of His Majesty, or of any Body Politic, or Corporate, or of any person or persons whomsoever, with respect to any of the Rivers in the said Inferior District of Gaspé, or in either off the said Counties of Cornwallis or Northumberland, those in this Act mentioned excepted.

XLVII. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and twenty-nine, and no longer.

APPENDIX.

(A.)

Province of Lower-Canada, Inferior District of  
Gaspé or County of \_\_\_\_\_ as the case may be. }

George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King,  
Defender of the Faith, &c.

To \_\_\_\_\_ Greeting.

We command you and each of you that, all excuses being laid aside, you and each of you be in your proper persons before A. B. Esquire, one of our Justices of the Peace for the Inferior District of Gaspé, (or Quebec as the case may be) at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_ o'clock in the forenoon of the same day, to testify all and singular what you or either or any of you know, concerning a certain Cause or Plaint there to be tried, and determined by and before our aforesaid Justice, at the suit of \_\_\_\_\_ against \_\_\_\_\_ for an illegal disobedience to an Act of the Legislature of this Province, passed in the fourth year of Our Reign, intituled, "An Act for the better regulation of the Fisheries in the Inferior District of Gaspé, and in the Counties of Cornwallis and Northumberland," and this you or any of you are by no means to omit under a penalty upon each of you of \_\_\_\_\_ currency. Witness our aforesaid Justice of the Peace A. B. at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_ (Signed)

A. B.  
Justice of the Peace.

(B)

Province of Lower-Canada, Inferior District of  
Gaspé or County of \_\_\_\_\_ as the case may be. }

George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King,  
Defender of the Faith.

To \_\_\_\_\_ and to all and every the Constables and Peace Officers in and for the Inferior District of  
Gaspé, (or County of \_\_\_\_\_ as the case may be,) Greeting.

We command you, that you cause forthwith, by distress and sale of the Goods, Chattels and moveable  
Effects of \_\_\_\_\_ to be levied according to Law, the sum of \_\_\_\_\_ with \_\_\_\_\_ costs, being the penalty  
in which he, the said \_\_\_\_\_ hath been convicted before \_\_\_\_\_ Esquire, one of our Justices of  
the Peace for the said District on the day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ by  
reason of disobedience of a certain Act of the Legislature of this Province, passed in the fourth year of  
our Reign, intituled, "An Act for the better regulation of the Fisheries in the Inferior District of Gaspé,  
and in the Counties of Cornwallis and Northumberland," and which said penalty and costs remain  
unpaid.

Witness J. G. Esquire, one of our Justices of the Peace for the said District, at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ and of our reign the \_\_\_\_\_.  
(Signed)

J. G.  
Justice of the Peace.

(C.)

Province of Lower-Canada, Inferior District of Gaspé, }  
or County of \_\_\_\_\_ as the case may be. }

The Information and Complaint of C. D. of \_\_\_\_\_ in the County and District aforesaid, who as well  
for Our Sovereign Lord the King as for himself in this behalf prosecutes, made before \_\_\_\_\_ of His  
Majesty's Justices of the Peace in and for the said District, (wherein the offence hereinafter-mentioned  
was committed,) the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord one thousand eight hundred and  
\_\_\_\_\_ who, as well for Our Sovereign Lord the King as for himself, giveth \_\_\_\_\_ the said Justice to  
understand and be informed.

That at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ (Here state the particular Act  
which constitutes the offence complained of, and the day and place where and when the same was  
committed, in order that the Defendant may be fully and precisely acquainted with the charge against  
him, as to time, place and circumstance) against the form of the Statute in such case made and  
provided. Whereby and by force of the said Statute, the said A. B. hath incurred a penalty of \_\_\_\_\_.  
Wherefore the said C. D. as well for our said Lord the King as for himself, prayeth the adjudication of  
the said Justice in the premises, and that the said A. B. may be adjudged to forfeit the said penalty of  
\_\_\_\_\_ and that he the said C. D. may have one half of the said, forfeiture according to the form of the  
Statute aforesaid, and that the said A. B. may be summoned to make his defence thereto before the  
said Justice with costs.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 182\_\_\_\_.

(D.)

Province of Lower-Canada, Inferior District of Gaspé, }  
or County of \_\_\_\_\_ as the case may be. }

To A. B. of \_\_\_\_\_ in the District of \_\_\_\_\_

I, \_\_\_\_\_ J. G. one of His Majesty's Justices of the Peace, in and for the said District of \_\_\_\_\_ hereby give you notice, that C. D. of \_\_\_\_\_ in the said District of \_\_\_\_\_ hath before me, this day, exhibited an Information against you for a penalty of \_\_\_\_\_ which hath been incurred by you for having heretofore, to wit: (Here state the offence, as to time, place, and circumstance, as mentioned in the preceding form of the Information,) against the form of the Statute in such case made and provided. You are therefore hereby required personally to be and appear before me, at the House of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ at \_\_\_\_\_ of the clock in the forenoon, to answer and make defence to the said Information, so exhibited against you, but if you neglect so to do, I shall proceed according to Law in the premises, as if you were personally present. Given under my hand at \_\_\_\_\_ in the said District of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord, one thousand eight hundred and \_\_\_\_\_.

(E.)

Province of Lower-Canada, Inferior District of Gaspé, }  
or County of \_\_\_\_\_ as the case may be. }

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_ A. B. is convicted before me one of His Majesty's Justices of the Peace, for (Here set forth the offence) and I do accordingly adjudge him, in virtue of an Act passed by the Legislature of this Province, in the fourth year of His Majesty's Reign, intituled, "An Act for the better Regulation of the Fisheries in the Inferior District of Gaspé, and in the Counties of Cornwallis and Northumberland," to pay and forfeit by reason of the offence aforesaid, whereof the the said A. B. stands convicted, the sum of \_\_\_\_\_ (and if the offence be punished by imprisonment,) and that he the said A. B. be committed to the Common Gaol for and during \_\_\_\_\_

Given under my Hand  
the day and year aforesaid.